

REMARKS/ARGUMENTS

The amendment to Claim 77 is supported by the claim as previously presented. No new matter has been entered.

As the Examiner will note, the claims have been narrowed to those where the carboxylic acid is selected from the group consisting of dicarboxylic acids selected from glutaric acid and adipic acid and poly carboxylic acid selected from tri- and tetra-carboxylic acids.

Applicants appreciate the withdrawal of all outstanding objections and rejections presented in the last Official Action (other than the double patenting rejection)<sup>1</sup>.

The rejection over DE '308 and Britton in view of Novelli and Satoshi and further in view of GB '633 is traversed.

Neither primary reference, neither DE '308 nor Britton, use glutaric acid, adipic acid, or a poly carboxylic acids selected from tri- and tetra-carboxylic acids in a process for producing dichloropropanol by subjecting glycerol to a reaction with a chlorinating agent, as claimed. Instead these references use acetic, propionic, formic, succinic, etc. acids.

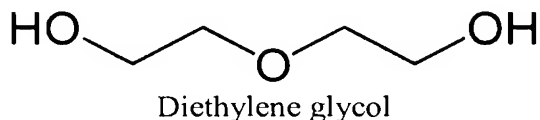
Concerning Novelli, the Examiner apparently refers to the English abstract thereof which incorrectly indicates that for examples 11 and 12 a "(CO<sub>2</sub>H)<sub>3</sub>" acid was used. However, viewing in the actual article, examples 11 and 12 use oxalic acid which is of course a dicarboxylic acid and which is not glutaric acid or adipic acid. In addition, the "polycarboxylic" acids described in Novelli are either mono- (formic, acetic, propionic, butyric, monochloroacetic, benzoic) or di-acids (oxalic, malonic, succinic, tartaric). There is

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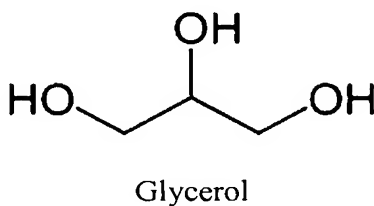
<sup>1</sup> The provisional obviousness-type double patenting rejection is traversed as it has been made over a later-filed application, U.S.S.N. 12/502,342, which has not been examined. In addition, the above Claims have been amended. Recognizing the fluid nature of the claims in each involved case pre-issuance, the MPEP directs that in such cases where double patenting is the only remaining issue "the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." See MPEP 804. As the above amendments and the remarks below place this case in condition for allowance, the provisional obviousness-type double patenting rejection should be removed herein and perhaps considered in the later-filed application.

no disclosure or suggestion of a tri- or tetra-carboxylic acid for use in the chlorination of glycerol in Novelli.

Satoshi describes the chlorination of certain ether compounds of, e.g., formula I therein, such as diethylene glycol:



Glycerol, the subject of the present invention, is not an ether compound and has the following structure:



There is no evidence on the record that one of ordinary skill in the art would believe that the reaction conditions, reactants, etc. pertinent to the reaction of ethers would be transferrable to glycerol.

Finally, GB '633 relates to the manufacture of epoxy resins, and has nothing to do with the chlorination of glycerol.

Accordingly, and in view of the fact that even a combination of the disclosures of the several references applied against Applicants' claims fails to suggest a method as claimed herein where glutaric acid, adipic acid, or a poly carboxylic acid selected from tri- and tetra-carboxylic acids is used in a process for producing dichloropropanol by subjecting glycerol to a reaction with a chlorinating agent, Applicants respectfully request the reconsideration and withdrawal of the present rejection as the references, even in combination, fail to present a

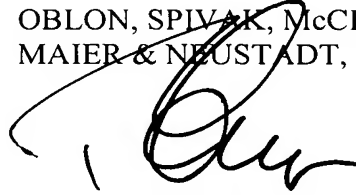
Application No. 10/580,003  
Reply to Office Action of December 8, 2010

*prima facie* case. For these reasons, Applicants respectfully submit that the obviousness rejection is in error, and that it should be reconsidered and withdrawn.

In view of the above, Applicants respectfully request an early Notice of Allowance.

Respectfully submitted,

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